IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 78 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KAMLABEN ATMARAM RATHOD

Versus

SANJAYBHAI PRATAPBHAI RAVAL

Appearance:

1. Misc.Civil Application No. 78 of 2004

MR BG JANI for Petitioner No. 1

RULE SERVED for Respondent No. 1,3

SERVED BY AFFIX.-(R) for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 26/02/2004

ORAL JUDGEMENT

Though served none appears for the respondents.

The applicant herein has filed MAC Petition No.118 of 1994 before MAC Tribunal at Morbi for getting compensation of Rs.1,00,000 from the opponents on account of sustaining serious injuries in a motor accident which took place on 24.12.1993. Said petition is pending in the court of MAC Tribunal at Morbi and the matter is now at the stage of framing of issues. It is prayed that the said application may be transferred to MAC Tribunal, Ahmedabad City, as the applicant is residing in Ahmedabad and it is very difficult for her to attend the Court at Morbi. It is submitted by Mr Jani, learned advocate for the applicant, that even the applicant has taken the treatment from Ahmedabad hospital. The doctor whose evidence is taken is also from Ahemdabad. It is also stated that it is difficult for the petitioner to bear the travelling expenses for attending the court on various dates.

2 Though served, none appeared for the respondents. It can, therefore, be presumed that the respondents have no objection if the proceedings are transferred from Morbi to Ahmedabad Court. In view of the amendment in Section 166 of the Motor Vehicles Act and considering the submissions and averments made in the petition, MAC Petition No.118 of 1994, pending before the MAC Tribunal, Morbi, is transferred to MAC Tribunal, Ahmedabad City Civil Court. After such transfer, the MAC Tribunal, City Civil Court, Ahmedabad, shall proceed with the same and decide it in accordance with law.

3 Rule is made absolute. No order as to costs.

(P.B. Majmudar, J.)
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